REMARKS

Reconsideration of the application is respectfully requested.

I.   Status of the Claims

Claims 1- 37 are in the application.

Claims 1-17 were previously cancelled.

Claims 18-37 were previously presented.

Claim 18 is amended. No new matter is Presented.

II.   Rejections under 35 U.S.C. § 102

The rejection of claims 18-37 under 35 U.S.C. § 102(b) as being anticipated by Nickels et. Al., (U.S. Patent No. 6,134,591), herein referred to as Nickels, is traversed.

With the conventional TCP system, it is only after the three way handshake has occurred that a connection is first made (set up) by the initiating party, and data can then be sent. See Fig. 1 and paragraph [0008] of the publication of the application (Publication No. US 2006/0253603 A1). Thus, with the convention TCP system, no connection (path) is set up until the three way handshake is successfully completed, and then it is the initiating party which sets up the TCP connection, not the receiving party.

With the invention disclosed in the application, it is the receiving party which sets up the connection, not the initiating party, See Pars. [0061] and [0063]. In the invention disclosed, prior to the establishment of a TCP connection the initiating party sends a signal to the initiating party requesting that a connection be initiated by the receiving party. Upon receiving the request, the receiving party sets up a TCP connection.

The Nickels reference relates to a security system. In Nickels, a network security server authorizes and sets up the connection between the initiating and receiving parties. See Col. 5, L 15-26. Nickels neither discloses nor suggests a system where it is the receiving party, which sets up the connection as is disclosed in our application. Actually, with Nickels neither the initiating party nor the receiving party sets up the connection.

Amended claim 18 recites that a communication system arranged to communicate under the Transmission Control Protocol "... (is) ... arranged to <u>not</u> accept a TCP connection request from an initiating party unless a connection <u>has already been negotiated by the receiving party</u>" (underscoring Presented for emphases).

Amended claim 18 clearly avoids the Nickels reference by reciting that it is the receiving party that sets up the connection. As noted above, in Nickels, the receiving party does not set up the connection.

Claims 19-29 depend from claim 18 and, therefore, are also considered to be in condition for allowance as they include all of the limitations of claim 18.

Claim 30 recites the structure of a program storage device readable by a machine and encoding a program for requiring a computer system "... to negotiate connection with a source system <u>to be completed prior to acceptance</u> of Transmission Control Protocol (TCP) communication packets from the source system" (underscoring Presented for emphases). Claim 30 avoids the Nickels reference by reciting that there is no communication with the initiating party until the receiving party has negotiated the connection.

Regarding claim 31, the Examiners attention is directed to Col. 10, lines 30-50 of Nickels where it is explained that it is the security server which sets up the connection, not the initiating party or the receiving party. Method claim 31

recites, in combination, the step of: "... opening a TCP connection at the receiving party computer system for the initiating party computer system ...". Claim 31 avoids the Nickels reference by reciting that it is the receiving party computer which opens the connection.

Claims 32-37 depend from claim 31 and, therefore, are also considered to be in condition for allowance as they include all of the limitations of independent claim 31.
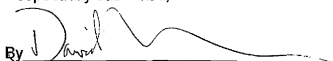
CONCLUSION

In view of the above, each of the presently pending independent Claims 18, 30, and 31 and dependent Claims 19-29, and 32-37 in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

By _____

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